REMARKS

Prior to the present Response, claims 1-23 were pending in the Application. In this Response, no claims are being cancelled or added. Claims 1-5, 14, 15, 20, and 23 are presently amended. Accordingly, claims 1-23 remain pending.

In the Office Action, the Examiner rejected claims 1-23. Specifically, the Examiner rejected claims 1, 3-9, 11-17, and 19-23 under 35 U.S.C. § 102(b) as being anticipated by Meier et al. (U.S. Patent No. 6,211,887). Additionally, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Meier et al. in view of Johnson (U.S. Patent No. 3,487,308). Further, the Examiner rejected claims 10 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Meier et al. in view of Yonts (U.S. Patent No. 6,590,577).

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 3-9, 11-17, and 19-23 under 35 U.S.C. § 102(b) as being anticipated by Meier et al. (U.S. Patent No. 6,211,887). Specifically, with regard to the independent claims, the Examiner stated the following:

> Note with respect to claim 1,
> Meier et al. teaches:
> A method for providing a graphical representation of data, the method comprising:
> (A) Determining a plurality of parameters from a parameter set that relates to a dynamic (col. 4, line 8-12);
> (B) Dividing the plurality of parameters into **data groups** [computer language skills of different individuals] (col. 6, line 15-21);
> (C) Defining a plurality of **partitions** [axes 130] for a graphical representation)col.3, line 56-63);
> (D) Mapping the data groups to corresponding nodes on the plurality of **partitions** [marker 150] (col. 6, line 5-7); and
> (E) Connecting the nodes graphically with **indicia** [lines 160] that indicate an association between data groups (col. 6, line 22-23).

Note with respect to claim 14, claim 14 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 14.

Note with respect to claim 20, claim 20 is similar in scope to claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 20.

Note with respect to claim 23, claim 23 is similar in scope to the claim 1, thus the rejections to claim 1 hereinabove are also applicable to claim 23.

Office Action, pages 3-9.

Anticipation under 35 U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35 U.S.C. § 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims contain even one recitation not found in the cited reference, the reference does not anticipate the claimed subject matter.

Embodiments of the present invention are directed to a system and method for simplifying the visualization of large dynamics or interactive systems (e.g., complex business operations). *See* Application, page 4. Unlike traditional graphs (e.g., bar charts, line charts, and flow charts), which often overwhelm users with graphic features or require navigation through numerous separate plots, embodiments of the present invention are visually efficient. *See* Application, pages 2-4. Particularly, embodiments of the present invention may allow

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complex business operations and correlations to be simplified and observed by abstracting parameters, transforming the parameters to nodes, transforming operations and correlations to lines, and transforming measurements to colors. *See* Application, page 4-5. The various nodes, lines, and colors may be used to represent operations and relationships within the represented dynamic. *See* Appliaction, page 4. For example, in one embodiment, the present invention simplifies complex business operations by abstracting important business parameters and deriving multiple three-parameter circular graphs to represent a single business case. *See* Appliaction, page 4.

Accordingly, turning to the claims, amended independent claim 1 recites, *inter alia*, "defining a plurality of partitions of a figure for graphical representation of the data groups, the plurality of partitions comprising: *a first partition comprising a first portion of the perimeter of the figure; a second partition comprising a line dividing the figure; and a third partition comprising a second portion of the perimeter of the figure that is different from the first portion*; mapping parameters of the data groups to corresponding nodes at locations on the partitions corresponding to each data group based on parameter values and values associated with the locations on the partitions; and connecting the nodes graphically with indicia that indicates an association between data groups." (Emphasis added).

The Applicant respectfully asserts that the Meier reference fails to disclose each and every feature of the pending claims as presently amended. For example, the Meier reference fails to disclose defining a plurality of partitions of a shape, wherein the partitions include "a first partition comprising *a first portion of the perimeter of the figure*; a second partition comprising *a line dividing the figure*; and a third partition comprising *a second portion of the*

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perimeter of the figure that is different from the first portion," as recited in claim 1.
(Emphasis added).

In contrast to the present claim recitations, the Meier reference merely teaches

providing measurements on *axes* 130 of a circular region 110. *See* Meier et al., col. 6, lines 1-

21; *see also,* Fig. 6. Among other things, the Meier reference fails to teach partitions of a

figure that are defined by different portions of the figures *perimeter.* Specifically, the Meier

reference teaches that a circular region 110 with a plurality of axes 130, which represent

various attributes, are used to establish polygons for comparison of various metrics. *See* Meier

et al., col. 5, lines 1-5; *see also* col. 5, lines 41-47. Indeed, according to the Meier reference,

measurements are taken by placing a marker 150 at or near a point along an axis 130 that

represents a measurement of the attribute. *See* Meier et al., col. 5, line 66 – col. 6, line 9.

Once markers are placed on three or more axes 130, the markers 150 may be connected by a

set of lines 160 to form a polygon. *See* Meier et al., col. 6, lines 22-29. Several polygons may

be formed and used to compare performance criteria by observing differences in the shape and

area of the respective polygons. *See* Meier et al., col. 7, lines 44-59. Accordingly, the Meier

reference merely uses markers disposed on multiple axes that are connected to perform

measurements. The Applicant asserts that the Meier reference clearly does not employ a

perimeter of a figure (e.g., circle 110) as a partition representing a group as presently recited.

The Examiner did not address the subject matter of independent claims 14, 20, and 23

with any specificity. Indeed, in the Office Action, the Examiner essentially failed to address

any distinctions between claims 1, 14, 20, and 23. While the Applicant does not agree with the

Examiner addressing these claims together, insomuch as the Examiner's rejection is identical

identical on all of these claims, claims 14, 20, and 23 are believed to be equally patentable for the reasons summarized above with respect to claim 1.

For these reasons, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 102. Specifically, the Applicant requests that the Examiner withdraw the rejection of independent claims 1, 14, 20, and 23 and the claims depending therefrom. Further, the Applicant requests that the Examiner provide an indication of allowance for independent claims 1, 14, 20, and 23 and the claims depending therefrom.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Meier et al. in view of Johnson (U.S. Patent No. 3,487,308). Further, the Examiner rejected claims 10 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Meier et al. in view of Yonts (U.S. Patent No. 6,590,577).

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985).

The Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 103. In both rejections, the Examiner relied on the Meier reference as the primary reference. The Examiner relied on the Johnson and Yonts references for features

recited in dependent claims. However, even if the references theoretically include the recited features and can theoretically be combined, the Johnson and Yonts references do not obviate the deficiencies of the Mills reference discussed above. In view of the deficiencies discussed above with reference to the independent claims, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103.
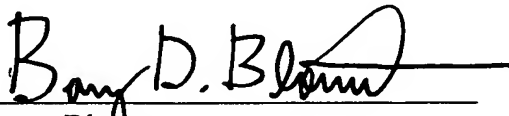
For these reasons, the Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 103. Specifically, the Applicant requests that the Examiner withdraw the rejection of dependent claims 2, 10, and 18. Further, the Applicant requests that the Examiner provide an indication of allowance for dependent claims 2, 10, and 18 and the claims depending therefrom.

Conclusion

In view of the remarks set forth above, the Applicant respectfully requests allowance of claims 1-23. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Barry Blount
Reg. No. 35,069
(281) 970-4545

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400